

# **CITIES AND TOWNS BULLETIN**

## **AND UNIFORM COMPLIANCE GUIDELINES**

### **ISSUED BY STATE BOARD OF ACCOUNTS**

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June 1999

#### 1999 LAWS AFFECTING CITIES AND TOWNS

The following is a listing of laws enacted by the General Assembly that are related to cities, towns and municipally owned utilities. If you have any questions regarding legal interpretation, please consult your city or town attorney. We have listed the laws in public law order sequence and the references are to the Indiana Code.

**PUBLIC LAW 1-SENATE ENROLLED ACT 40-EFFECTIVE VARIOUS DATES**

**TECHNICAL CORRECTIONS** - Makes numerous corrections to prior technical errors in the Indiana Code.

**PUBLIC LAW 3-HOUSE ENROLLED ACT 1074-EFFECTIVE JULY 1, 1999**

**JACKSON COUNTY INNKEEPER'S TAX** - Adds IC 6-9-32 - Creates a new innkeeper's tax in Jackson County.

**PUBLIC LAW 10-HOUSE ENROLLED ACT 1446-EFFECTIVE JULY 1, 1999**

**CRIMINAL HISTORY INFORMATION** - Amends IC 5-2-5-5 - Allows criminal history information to be released on persons who volunteer services at public or non-public schools.

**PUBLIC LAW 11-HOUSE ENROLLED ACT 1717-EFFECTIVE JANUARY 1, 2000**

**MOTOR VEHICLE EXCISE SURTAX** - Adds IC 6-3.5-4-7.4 - Allows for credits against the tax similar to those allowed toward regular vehicle excise tax payments.

**PUBLIC LAW 18-HOUSE ENROLLED ACT 1427-EFFECTIVE JULY 1, 1999**

**EMERGENCY VEHICLES** - Amends IC 9-21-8-35 - Adds IC 9-21-8-54 - Requires an operator of a motor vehicle to proceed with caution or yield the right of way if possible, when approaching a stationary authorized emergency vehicle that is displaying flashing lights. Makes it a Class A Infraction for violation of such law.

**PUBLIC LAW 20-HOUSE ENROLLED ACT 1744-EFFECTIVE JULY 1, 1999**

**FIRE DEPARTMENTS-PRE-PLANNING INSPECTIONS** - Adds IC 36-8-17.5 - Permits fire departments to make pre-planning inspections of every place and public way within its jurisdiction, except the interior of private dwellings, for the purpose of advising the fire department on issues affecting a fire suppression response.

PUBLIC LAW 29-SENATE ENROLLED ACT 306-EFFECTIVE JULY 1, 1999

BOARDS OF AVIATION COMMISSIONERS-AIRPORT AUTHORITIES - Amends IC 8-22-2 and IC 8-23-3 - Allows contracts or leases for the maintenance, operation, or use of the airport or any part of it to be made for a term not exceeding 15 years. Allows land to be leased for an initial term not exceeding 40 years.

PUBLIC LAW 30-SENATE ENROLLED ACT 495-EFFECTIVE JULY 1, 1999

LAND APPLICATION OPERATION - Adds IC 13-11-2-114.2 - Defines a "land application operation" to mean an operation in which sludge, waste products or wastewater generated by industrial, municipal, to semipublic facilities are dispensed of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.

PUBLIC LAW 31-SENATE ENROLLED ACT 502-EFFECTIVE APRIL 19, 1999

IDEM-WASTEWATER PERMITS - Amends IC 13-18-12-2 - Adds IC 13-18-12-6.5 - Allows permits to be issued, renewed, or approved for periods up to 3 years. States that permits can be revoked or modified under certain circumstances.

PUBLIC LAW 34-HOUSE ENROLLED ACT 1024-EFFECTIVE APRIL 23, 1999 and JULY 1, 1999

MARRIAGES - Amends IC 31-11-6-1 - Allows a Mayor of a city to perform marriages anywhere within the county where the city is located.

ATTORNEYS AND LEGAL RESEARCH ASSISTANTS-CITY CLERKS AND CITY CLERK-TREASURERS - Amends IC 36-4-10-5.5 - Requires appropriations made in the annual budget for attorneys and legal research assistants to be allocated to the clerk or clerk-treasurer for the payment of attorneys and legal research assistant's salaries.

TOWN CLERK-TREASURER-TIE BREAKING VOTE - Amends IC 36-5-2-8 - States that the clerk-treasurer is an ex-officio member of a town council for the purpose of casting a vote to break a tie.

TOWN EMPLOYEES - Adds IC 36-5-2-13 and Amends IC 36-8-3-4 - Requires the town executive to have the approval of a majority of the town council before the executive may discharge, reduce in grade under IC 36-8-3-4, or remove a town employee.

PUBLIC PURCHASES-SEWAGE UTILITIES - Amends IC 36-9-23-6 - Eliminates the bid threshold of \$10,000 formerly required under IC 5-17-1 for sewage utility purchases. IC 5-22-1-2(13) exempts sewage utilities from the provisions of the new Public Purchasing Law. However, sewage utilities are subject to the provisions of the Public Works Law (IC 36-1-12) for construction projects.

PUBLIC LAW 35-HOUSE ENROLLED ACT 1025-EFFECTIVE JULY 1, 1999

CLAIMS - Amends IC 5-11-10-1.6 - Exempts levee authority claims from the vendor certification requirements.

OLD OUTSTANDING CHECKS - Amends IC 5-11-10.5-3 - Requires a controller or clerk-treasurer to file a list of all warrants that have been outstanding for a period of two (2) or more years as of December 31 of the proceeding year with the fiscal body of the city or town.

STATE-CALLED MEETING EXPENSES - Amends IC 5-11-14-1 - Allows officials attending State-called meetings to be reimbursed for mileage at a rate set by the city or town's fiscal body. Allows an official to be reimbursed for lodging expense in an amount equal to the hotel's single room rate.

DEPOSITORIES - Amends IC 5-13-6-1(d) - Requires depositories used by cities and towns to also be approved as depositories for State funds.

SALARIES-THIRD CLASS CITIES - Amends IC 36-4-7-3 - Requires salaries in third class cities to be set before August 20 instead of before August 2 under prior law.

CLERK-TREASURER'S DUTIES-THIRD CLASS CITIES - Amends IC 36-4-10-4.5 States that a fiscal officer is not liable in an individual capacity for an act or omission occurring in connection with the performance of the duties prescribed in IC 36-4-10-4.5(b), unless the act or omission constitutes gross negligence or an intentional disregard of the fiscal officer's duties.

SAFETY BOARD MEETINGS - Amends IC 36-8-3-3(a) - States that a majority of the members of the safety board constitutes a quorum.

POLICE AND FIRE SALARIES - Amends IC 36-8-3-3-7(d) - Requires the annual compensation of all members of the police and fire departments to be fixed before August 20 of each year.

1925 POLICE PENSION FUND INVESTMENTS - Amend IC 36-8-6-6 - Allows 1925 Police Pension Fund monies to be invested in investments allowed under IC 5-13-9.

1937 FIRE PENSION FUND INVESTMENTS - Amends IC 36-8-7-10 - Allows 1937 Fire Pension Fund monies to be invested in investments allowed under IC 5-13-9.

PUBLIC LAW 38-HOUSE ENROLLED ACT 1079-EFFECTIVE VARIOUS DATES

ELECTIONS - Amends several chapters of IC 3-11, IC 3-12 and IC 3-13 - Adds IC 36-5-2-4.5 - Permits a town with a population of over 10,000 to adopt special staggered terms for council members.

PUBLIC LAW 40-HOUSE ENROLLED ACT 1163-EFFECTIVE APRIL 23 AND JULY 1, 1999

INDIANA INSTITUTE ON RECYCLING - Amends IC 13-20-18, IC 13-20-18-12 and repeals IC 36-9-30-36 - Extends the termination date of the Institute to June 30, 2001. Eliminates the required reporting of costs of solid waste services by cities and towns to the Institute.

PUBLIC LAW 41-HOUSE ENROLLED ACT 1164-EFFECTIVE JULY 1, 1999

VIGO COUNTY HOTEL/MOTEL TAX - Amends IC 6-9-11 - Increases the tax from 2% to 5%.

PUBLIC LAW 47-HOUSE ENROLLED ACT 1261-EFFECTIVE JULY 1, 1999

LOST, DESTROYED, OR STOLEN CHECKS - Adds IC 26-1-3.1-312 - Adds new procedures to the Uniform Commercial Code which can be used to recover the amount of a bank check that was lost, destroyed, or stolen.

PUBLIC LAW 50-HOUSE ENROLLED ACT 1315-EFFECTIVE JULY 1, 1999

AUDITS OF NOT-FOR-PROFIT CORPORATIONS - Amends IC 5-11-1-9 - Allows audits of not-for-profit corporations expending at least 50% but less than \$100,000 of its disbursements of public funds to be limited to matters relevant to the use of the public money received by the entity.

PUBLIC LAW 51-HOUSE ENROLLED ACT 1325-EFFECTIVE JULY 1, 1999

DEPUTY TOWN MARSHALS - Amends IC 36-5-7-6 - Requires the town legislative body to fix the number of deputy marshals by ordinance.

PUBLIC LAW 58-HOUSE ENROLLED ACT 1509-EFFECTIVE JULY 1, 1999

ENERGY COST SAVINGS CONTRACTS - Amends IC 4-13.6-4 and IC 36-1-12.5-3 Adds IC 4-13.6-8 and IC 36-1-12.5-5.3-Requires contractors for energy cost savings contracts to be certified by the State. Also requires subcontractors to be certified on all contracts greater than \$150,000.

PUBLIC LAW 60-HOUSE ENROLLED ACT 1544-EFFECTIVE JANUARY 1, 1999(Retroactive)

LOCAL ENVIRONMENTAL RESPONSE TAXING DISTRICTS - Adds IC 36-7-29-22.5 - Allows a district to file liens in the County Recorder's office for expenses incurred by a district for removal or remedial action.

PUBLIC LAW 64-HOUSE ENROLLED ACT 1618-EFFECTIVE JULY 1, 1999

OLD OUTSTANDING WARRANTS - Amends IC 5-11-10.5-2 - States that warrants outstanding and unpaid for a period of 2 or more years as of the last day of December of each year are void instead of canceled.

PUBLIC LAW 65-HOUSE ENROLLED ACT 1628-EFFECTIVE JULY 1, 1999

TELECOMMUNICATIONS PROVIDERS-IURC - Adds IC 8-1-29-7.5 - Allows the Indiana Utility Regulatory Commission to impose civil penalties up to \$2,500 on telecommunications providers who switch providers without proper authorization or bill unauthorized services.

PUBLIC LAW 70-HOUSE ENROLLED ACT 1002-EFFECTIVE JULY 1, 1999

PUBLIC ACCESS COUNSELOR-COMPLAINT PROCEDURE - Amends IC 5-14-3 - Adds IC 5-14-14 and IC 5-14-5 - Creates the state office of public access counselor. Establishes inquiry and complaint procedures for the office. The public access counselor is to issue advisory opinions within 30 days of the filing of a complaint and provide cities and towns with a copy of the opinion if the complaint was filed against a city or town. States that the public access counselor will provide training on the rights of the public and the responsibilities of public agencies under the public access laws.

Requires a court to expedite the hearing of an action filed under the open door law or the public records law.

PUBLIC LAW 71-SENATE ENROLLED ACT 26-EFFECTIVE JULY 1, 1999

STATE BUILDING COMMISSIONER'S POWERS - Adds IC 22-13 - Amends IC 22-15-2-6 and IC 36-7-2-9 - States that published written interpretations of a building law by the commissioner is binding on municipalities.

PUBLIC LAW 72-SENATE ENROLLED ACT 63-EFFECTIVE APRIL 29, 1999

NPDES PERMITS-WATER POLLUTION TREATMENT - Amends IC 13-11-2-108 Exempts municipal utilities from state permit requirements under certain circumstances.

PUBLIC LAW 75-SENATE ENROLLED ACT 210-EFFECTIVE JULY 1, 1999

HIGHWAY WORKZONE FINES - Amends IC 9-13-2-200 and IC 33-19-6-14 - Adds IC 9-21-8-7.5 - Imposes the \$25.50 fine on persons found guilty of passing another vehicle in a merge zone.

PUBLIC LAW 86-HOUSE ENROLLED ACT 1155-EFFECTIVE JULY 1, 1999

INCORPORATION OF A TOWN - Amends IC 36-5-1 - States that proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

PUBLIC LAW 87-HOUSE ENROLLED ACT 1191-EFFECTIVE JULY 1, 1999

MILITARY PROPERTY-CITY OF EVANSVILLE-NONCODE - Permits the Indiana Department of Administration to sell certain National Guard property to the City of Evansville.

PUBLIC LAW 90-HOUSE ENROLLED ACT 1318-EFFECTIVE MAY 3, 1999

LAKE COUNTY REGIONAL TRANSPORTATION AUTHORITY - Amends IC 36-9-3-5 Adds IC 36-9-3-12.5 - Changes the procedures used to make board member appointments to the Authority.

PUBLIC LAW 93-HOUSE ENROLLED ACT 1428-EFFECTIVE JULY 1, 1999

ENHANCED EMERGENCY TELEPHONE SYSTEM (E-911)-COMPUTERIZED WARNINGS SYSTEMS - Amends IC 36-8-16-2 and IC 36-8-16-16 - Allows computerized warning system equipment to be purchased from the emergency telephone fund. Limits the use of customer data provided to a municipality by a service supplier which identifies the telephone location or service user, or both.

PUBLIC LAW 97-HOUSE ENROLLED ACT 1452-EFFECTIVE JULY 1, 1999

HEALTH CARE FACILITIES-PATIENT IMMUNIZATIONS - Adds IC 16-18-2-223.7 and IC 16-28-14 - Requires informed consent from a patient or patient's legal guardian before a patient can participate in an immunization program.

PUBLIC LAW 100-HOUSE ENROLLED ACT 1522-EFFECTIVE JULY 1, 1999

CEMETERY PRESERVATION - Adds IC 14-21-2 and IC 35-43-1-21 - Prescribes penalties for persons convicted of damaging cemeteries and grave memorials.

PUBLIC LAW 102-HOUSE ENROLLED ACT 1555-EFFECTIVE MAY 3, 1999

TAX INCREMENT FINANCE-MARION COUNTY - Amends IC 36-7-15.1-7, IC 36-7-15.3 and IC 36-7-25 - Adds IC 36-7-15.1-37 through IC 36-7-15.1-58 - Creates redevelopment districts in the cities of Beech Grove, Lawrence and Southport.

PUBLIC LAW 104-HOUSE ENROLLED ACT 1594-EFFECTIVE JANUARY 1, 2000

COURT REPORTING SERVICES - Adds IC 33-15-27 - Requires depositions to be taken before (1) a hearing officer;(2) a judge, clerk, commissioner or official reporter of a court; (3) a notary public; or (4) another individual authorized by law to take a deposition. Excludes certain interested or related parties from taking depositions.

PUBLIC LAW 105-HOUSE ENROLLED ACT 1603-EFFECTIVE JULY 1, 1999

LOCAL HEALTH DEPARTMENTS - Amends IC 16-20-1-4 - Requires appointees or employees who inspect the drilling of a water well to be licensed water well drillers under IC 25-39-3.

PUBLIC LAW 106-HOUSE ENROLLED ACT 1638-EFFECTIVE JULY 1, 1999

AGRICULTURAL NONCONFORMING USE - Amends IC 36-7-4-616 - Allows cities and towns to require an agricultural nonconforming use to be maintained and operated in compliance with all: (1) state environmental and state health laws and rules; and (2) requirements to which conforming agriculture use land is subject to under the county's comprehensive plan or zoning ordinance.

PUBLIC LAW 111-HOUSE ENROLLED ACT 1725-EFFECTIVE MAY 3, 1999

LEAD-BASED PAINT TRAINING PROGRAM-AIR POLLUTION CONTROL BOARD Amends IC 13-17-14-5 - Allows cities and towns to receive such training at no cost.

PUBLIC LAW 112-HOUSE ENROLLED ACT 1748-EFFECTIVE JANUARY 1, 1999 (Retroactive)

ECONOMIC REVITALIZATION AREAS-NONCODE - Allows property owners within economic revitalization areas to receive additional deductions for taxes overpaid in previous years for a period not to exceed two years.

PUBLIC LAW 117-HOUSE ENROLLED ACT 1869-EFFECTIVE JULY 1, 1999

PUBLIC SAFETY COMMUNICATIONS - Adds IC 5-26 - Establishes a statewide integrated public safety commission that is responsible for the supervision of the statewide wireless public safety voice and data communications systems.

PUBLIC LAWS 119-HOUSE ENROLLED ACT 1909-EFFECTIVE VARIOUS DATES

BROWNFIELD REVITALIZATION ZONES - Amends IC 4-4-6.1-2.3, IC 6-1.1-42, IC 13-19-5, and IC 13-23-14-3. Adds IC 13-19-5-15 - Provides that the State's enterprise zone fund may be used for grants to enterprise zone associations for brownfield remediation within enterprise zones. Establishes a forgivable loan program for political subdivisions for projects involving abandoned gas stations and underground storage tank issues.

PUBLIC LAW 120-HOUSE ENROLLED ACT 1983-EFFECTIVE JULY 1, 1999, and JULY 1, 2000

ENTERPRISE ZONES - Amends IC 4-4-6.1-1, IC 6-3-3-1, IC 6-3.1-7-1, and IC 6-3.1-7-2. Adds IC 4-4-6.1-2. Increases the membership of the enterprise zone board. Requires enterprises zone records and other information maintained by certain agencies that is confidential to remain confidential if provided to other agencies or officials.

ANNEXATION - Adds IC 36-4-3-7.1 - States that an annexation ordinance adopted under IC 36-4-3-4 takes effect immediately upon the expiration of the 60 day remonstrance and appeal period if:

- (1) the annexed territory has no population
- (2) 90% of the assessed value of the land is owned by one person, and
- (3) the annexation is required to fulfill an economic development incentive package.

PUBLIC LAW 122-SENATE ENROLLED ACT 66-EFFECTIVE MAY 3, 1999

UNDERGROUND STORAGE TANKS - Amends IC 13-23-10-10 and IC 13-23-14-3

Allows the Indiana Development Finance Authority to award grants to certain owners of underground storage tanks who closed or removed the tanks from January 1, 1998 to June 30, 1998.

PUBLIC LAW 124-SENATE ENROLLED ACT 166-EFFECTIVE MAY 3, 1999

COUNTY ECONOMIC DEVELOPMENT INCOME TAX (CEDIT)-HANCOCK COUNTY

Amends and adds to IC 6-3.5-7 - Allows CEDIT revenues in Hancock County to be used for library districts.

PUBLIC LAW 126-SENATE ENROLLED ACT 286-EFFECTIVE JULY 1, 1999

UNIVERSAL 911 EMERGENCY TELEPHONE NUMBER - Adds IC 36-8-20 - Designates the telephone number 911 as the universal emergency telephone number for reporting an emergency and requesting assistance.

PUBLIC LAW 131-SENATE ENROLLED ACT 466-EFFECTIVE JULY 1, 1999

KANKAKEE RIVERBASIN COMMISSION-NONCODE - Permits the commission to exchange certain land in Porter County.

PUBLIC LAW 132-SENATE ENROLLED ACT 551-EFFECTIVE JULY 1, 1999

DRINKING WATER AND WASTEWATER ASSISTANCE FUND GRANTS AND LOANS

Amends IC 13-18-21 - Allows owners and operators of public water systems, in addition to political subdivisions, to receive grants and loans.

PUBLIC LAW 134-HOUSE ENROLLED ACT 1431-EFFECTIVE JULY 1, 1999

INVESTMENTS - Amends IC 5-13-9-1 - Adds IC 5-13-9-2.4 and IC 5-13-9-2.5 - Allows

cities and towns to invest in money market mutual funds that are in the form of securities of or interest in an open end, no load, management type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940.

Investments may not exceed fifty percent (50%) of the funds held by the officer and available for investment.

The investments shall be made through depositories designated by the state board of finance as depositories for state deposits under IC 5-13-9.5.

The portfolio of an investment company or investment trust must be limited to the following:

- (1) Direct obligations of the United States
- (2) Obligations issued by any of the following
  - (A) A federal agency
  - (B) A federal instrumentality
  - (C) A federal government sponsored enterprise
- (3) Repurchase agreements fully collateralized by obligation described in (1) or (2)

The form of securities of or interests in an investment company or investment trust must be rated as one (1) of the following:

- (1) AAAm, or its equivalent, by Standard and Poor's Corporation or its successor.
- (2) Aaa, or its equivalent, by Moody's Investors Service, Inc. or its successor.

## PUBLIC LAW 134-HOUSE ENROLLED ACT 1431-EFFECTIVE JULY 1, 1999 (Continued)

The form of securities in an investment company or investment trust is considered to have a stated final maturity of one (1) day.

The state board of accounts may rely on transaction confirmations evidencing ownership of the form of securities of or interests in an investment company or investment trust.

## PUBLIC LAW 137-SENATE ENROLLED ACT 9-EFFECTIVE JULY 1, 1999

INDIANA UNIFORM PRUDENT INVESTOR ACT - Adds IC 30-4-3.5 - Sets out procedures that a trustee must follow when investing and managing trust assets.

## PUBLIC LAW 138-SENATE ENROLLED ACT 19-EFFECTIVE JULY 1, 1999

COMMUNITY REVITALIZATION ENHANCEMENT DISTRICTS-DELAWARE COUNTY  
Amends IC 36-7-13 - Permits such districts to be established in Delaware County.

## PUBLIC LAW 142-SENATE ENROLLED ACT 94-EFFECTIVE DECEMBER 31, 1998 (retroactive)

Y2K IMMUNITY - Amends IC 34-13-3-3 - Provides that a governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from an error resulting from or caused by a failure to recognize the year 1999, 2000, or subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by:

- (A) a computer
- (B) an information system; or
- (C) equipment using microchips;

that is owned or operated by a governmental entity. However, this does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct, or intentional misconduct. Evidence of gross negligence may be established by a party by showing failure of a governmental entity to undertake an effort to review, analyze, remediate and test its electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss.

## PUBLIC LAW 144-SENATE ENROLLED ACT 175-EFFECTIVE JANUARY 1, 2000

TOWN ELECTIONS - Amends IC 3-8-5-10, IC 3-8-5-10.5; IC 3-8-5-13, IC 3-8-5-14.7, IC 3-8-7-3, and IC 3-10-6-12 - Changes the deadlines of holding town conventions, filing declarations of candidacy and certification of candidates, effective January 1, 2000

## PUBLIC LAW 145-SENATE ENROLLED ACT 177-EFFECTIVE JULY 1, 1999

IURC JURISDICTION-REGIONAL WATER AND SEWER DISTRICTS - Adds IC 8-1-30  
Permits the Indiana Utility Regulatory Commission (IURC) to review the operations of regional water and sewer districts and some other public utilities (not municipally owned). The IURC may order such utility companies that have severe deficiencies to be acquired by other utility companies.

## PUBLIC LAW 149-SENATE ENROLLED ACT 272-EFFECTIVE JULY 1, 1999

NORTHWEST INDIANA TRANSPORTATION STUDY COMMISSION-NONCODE Changes the name of the commission and adds the study of high speed rail service to the duties of the commission.



PUBLIC LAW 151-SENATE ENROLLED ACT 321-EFFECTIVE JULY 1, 1999

COPY FEES - Amends IC 5-14-3-8 - States that a certification, copy, or facsimile transmission fee set by ordinance may not exceed the actual cost of certifying, copying or facsimile transmission of the document. Actual cost does not include labor costs or overhead costs.

RECORDING FEES - Amends IC 36-2-7-10-Sets the County Recorder's supplemental recording fee at three dollars (\$3). Under prior law, this fee was set by ordinance at an amount not to exceed three dollars (\$3).

PUBLIC LAW 153-SENATE ENROLLED ACT 429-EFFECTIVE JULY 1, 1999

PURCHASING PREFERENCE-RECYCLED MATERIALS - Amends IC 5-22-1-5 - States that the price preference may not be less than 10% or greater than 15%.

CONTRACT EXTENSIONS - Amends IC 5-22-17-4 - Allows contracts with escalator clauses to be extended.

INDIANA SMALL BUSINESS PREFERENCE - Adds IC 5-22-15-23 - Requires a 15% preference be given to Indiana Small Business.

BID ADVERTISING - Amends IC 5-3-1-2 - Requires the second publication to be made at least 7 days before the date the bids will be received.

PUBLICATION 154-SENATE ENROLLED ACT 447-EFFECTIVE JULY 1, 1999

SPECIAL ASSESSMENTS-CERTIFICATION DATES - Adds IC 36-2-6-14.5 - States that notwithstanding any other provision of law, a special assessment required to be certified to the county auditor and added to the tax duplicate by law shall be certified within each county on or before a uniform date or date established by the legislative body of that county. If the legislative body of a county does not establish a date for the certification, a special assessment required to be certified to the county auditor and added to the tax duplicate by law shall be certified on or before March 1.

PUBLIC LAW 167-SENATE ENROLLED ACT 76-EFFECTIVE MAY 7, 1999

SEPTIC SYSTEMS-KOSCIUSKO COUNTY - Amends IC 16-41-25-1 - States that rules the State Board of Health adopts may not prohibit the installation of a residential septic system in fill soil under certain conditions in Kosciusko County.

PUBLIC LAW 168-SENATE ENROLLED ACT 83-EFFECTIVE MAY 1999 AND JULY 1, 1999

WATER POLLUTION CONTROL BOARD STANDARDS - Amends IC 13-18-17-5  
Requires the Water Pollution Control Board to establish groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply.

STORMWATER RUNOFF - Adds IC 36-9-28.5 - Requires the legislative body of a city or town to establish a policy for the management of stormwater runoff from developed real property in the city or town by January 1, 2001. In a city, the geographic scope of the city's policy must include all territory located within the city. In a town, the geographic scope of the town's policy must include all territory located within the town unless the legislative body of the town specifies by resolution that the territory of the town be included in the policy of the county where the town is located.

PUBLIC LAW 170-SENATE ENROLLED ACT 126-EFFECTIVE JULY 1, 1999

HEALTH INSURANCE PROGRAMS-BENEFITS TO BE PROVIDED - Amends IC 5-10-8-7.2 and IC 27-8-14-6 - Adds IC 5-10-8-7.5, IC 27-8-14.7, IC 27-13-7-15.3, and IC 27-13-7-16 - Requires group insurance policies provide coverage for breast and prostate cancer screening.

PUBLIC LAW 171-SENATE ENROLLED ACT 392-EFFECTIVE MAY 7, 1999

WASHINGTON COUNTY LANDFILL-NONCODE - States that such landfill will close November 1, 2002, unless certain design requirements are met.

PUBLIC LAW 174-SENATE ENROLLED ACT 592-EFFECTIVE JULY 1, 1999

ASSET FORFEITURE - Adds 34-24-1-9 - States that money received by a law enforcement agency as a result of a forfeiture under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice must be deposited into a nonreverting fund and may be expended only with the approval of the executive (as defined in IC 36-1-2-5), if money is received by a local law enforcement agency. The money received must be used solely for the benefit of any agency directly participating in the seizure or forfeiture for purposes consistent with federal laws and regulations.

PUBLIC LAW 176-SENATE ENROLLED ACT 109-EFFECTIVE VARIOUS DATES

ELECTIONS - Amends several articles of Title 3 on election procedures.

DEPUTIES-OATHS OF OFFICE-Amends IC 5-4-1-1 - States that an individual appointed as a deputy is considered an employee of the political subdivision performing ministerial functions on behalf of an officer and is not required to take the oath prescribed by IC 5-4-1-1(a). However, if a chief deputy assumes the duties of an office during a vacancy under IC 3-13-11-12, the chief deputy must take the oath required under IC 5-4-1-1(a) before entering on the official duties of the office.

PUBLIC LAW 178-HOUSE ENROLLED ACT 1448-EFFECTIVE JULY 1, 1999

STATE DISASTER RELIEF FUND - Add IC 10-4-1-29 - Establishes a state disaster relief fund to provide money to assist public entities in paying for the cost of damage to public facilities resulting from disasters.

EMERGENCY MANAGEMENT, FIRE AND BUILDING SERVICES, AND PUBLIC SAFETY TRAINING FOUNDATION - Adds IC 10-9 - Creates a new State emergency and public safety foundation.

PUBLIC LAW 181-HOUSE ENROLLED ACT 2022-EFFECTIVE JANUARY 1, 2000

COMMERCIAL VEHICLE EXCISE TAX - Adds IC 6-6-5.5. Amends IC 6-1.1-2-7, IC 6-8.1, IC 9-14-1-4, IC 9-18-2, IC 9-18-9, IC 9-29-3, IC 12-13-8, IC 12-16-14, IC 12-19-4, IC 21-2-12 and IC 21-3-1.7 - Creates a new excise tax on commercial vehicles.

PUBLIC LAW 184-HOUSE ENROLLED ACT 1385-EFFECTIVE JULY 1, 1999

CITY OF MADISON HERITAGE TRAIL - Provides for a lease between the State and the City of Madison for certain property on the City's heritage trail.

PUBLIC LAW 188-HOUSE ENROLLED ACT 1747-EFFECTIVE JULY 1, 1999

DOMESTIC BATTERY - Adds IC 35-42-2-1.3 - States that a person who knowingly or intentionally touches a person who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person; or
- (3) has a child in common with the other person:

in a rude, insolent, or angry manner that results in bodily injury to the person described in (1), (2), or (3) commits domestic battery, a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous, unrelated conviction.

PUBLIC LAW 191-SENATE ENROLLED ACT 1-EFFECTIVE JULY 1, 1999

PUBLIC ACCESS COUNSELOR-COMPLAINT PROCEDURE - (See Public Law 70 for similar law)

PUBLIC LAW 192-HOUSE ENROLED ACT 1169-EFFECTIVE JANUARY 1, 2000

VOLUNTEER FIREFIGHTERS - Amends IC 36-8-12-2, IC 36-8-12-7, and IC 36-8-12-8 Redefines "volunteer firefighter" to mean a firefighter (1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department; (2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and (3) whose name has been entered on a roster of volunteer firefighter that is kept by the volunteer fire company and that has been approved by the proper officers of the unit.

Raises the minimum of insurance coverage to be provided for total disability resulting from the performance of duties from \$150 to \$250 per week, up to a maximum of 260 weeks and raise the minimum payment to a firefighter disabled continuously for 260 weeks from \$50,000 to \$150,000.

PUBLIC LAW 195-HOUSE ENROLLED ACT 1093-EFFECTIVE JULY 1, 1999 AND JULY 1, 2000

PUBLIC EMPLOYEES RETIREMENT FUND (PERF) - Amends and adds to several chapters of IC 5-10.2 and IC 5-10.3 - Makes several changes concerning member benefits. Allows PERF members who were members of the 1925 police pension fund or 1937 firefighters pension fund to purchase service credits for a member's prior service in the 1925 or 1937 plan where a PERF member has not attained vested status in the 1925 or 1937 plan.

PUBLIC LAW 196-HOUSE ENROLLED ACT 1148-EFFECTIVE JANUARY 1, 2004

AVON TOWN COURT - Amends IC 33-10.1-5-7 - Requires the town judge in the Town Court of Avon to be an attorney in the year 2004.

PUBLIC LAW 199-HOUSE ENROLLED ACT 1235-EFFECTIVE MAY 13, 1999

TRAIN WHISTLE ORDINANCES - Amends IC 8-6-4-1 - Allows a city or town to adopt an ordinance to regulate the sounding of a whistle or the ringing of a bell by a railroad company within the city or town. However, such ordinance may not regulate such activity at crossings that do not have automatic train activated warning signals. Requires State Department of Transportation approval of such ordinances.

PUBLIC LAW 202-HOUSE ENROLLED ACT 1313-EFFECTIVE VARIOUS DATES

ELECTIONS - Amends and adds to several articles in Title 3 dealing with local elections.

PUBLIC LAW 204-HOUSE ENROLLED ACT 1341-EFFECTIVE MAY 13, 1999

ENTERPRISE ZONES - Amends IC 4-4-6.1-3 and IC 4-4-6.1-6 - Allows enterprise zones to be established in areas up to 4 square miles with a population of more than 2,000 but less than 10,500.

PUBLIC LAW 208-HOUSE ENROLLED ACT 1458-EFFECTIVE JULY 1, 1999

EVANSVILLE STATE HOSPITAL COMMITTEE-NONCODE - Establishes a new committee whose membership includes a member of the legislative body, the head of the parks department, and an appointment by the Mayor for the City of Evansville.

PUBLIC LAW 209-HOUSE ENROLLED ACT 1513-EFFECTIVE JULY 1, 1999

CHANGE IN CITY STATUS - Amends IC 36-4-1-1.1 - States that a third class city remains a third class city even through the city attains a population of 35,000 unless the city adopts an ordinance to adopt second class city status.

CLERK-TREASURER'S DUTIES - Amends IC 36-4-1-8 - States that the powers, duties, functions and office shall remain unchanged until the expiration of the term of the clerk-treasurer, despite a change in city classification for any reason.

PUBLIC LAW 212-HOUSE ENROLLED ACT 1578-EFFECTIVE JULY 1, 1999

TOWN OF DANVILLE-INVESTMENTS - Amends IC 5-13-9-2 and IC 5-13-9-5.6 - Allows the Town of Danville to invest money in a host community agreement future fund in municipal securities and equity securities.

UNDERGROUND STORAGE TANK FEES - Amends IC 13-23-12-1 and IC 13-23-12-4  
Reduces annual registration fees.

PUBLIC LAW 216-HOUSE ENROLLED ACT 1606-EFFECTIVE JULY 1, 1999

PLAN COMMISSIONS - Amends IC 36-7-4-205, IC 36-7-4-208, IC 36-7-4-903, and IC 36-7-4-1103 - Adds IC 36-7-4-610.5 - For comprehensive plans adopted after July 1, 1999, a city or town must provide service to a contiguous unincorporated area or the city or town's plan commission must obtain the approval of the county legislative body of each affected county before the city or town can provide for the development of the contiguous unincorporated area. Adds a township trustee in an unincorporated area to the membership of an advisory plan commission. Makes other changes to municipal and county zoning laws.

PUBLIC LAWS 217-HOUSE ENROLLED ACT 1608-EFFECTIVE JULY 1, 1999

ANNEXATION - Amends IC 8-1-2.3-6, IC 36-4-3-2.2, IC 36-4-3-3.1, IC 36-4-3-8, IC 36-4-3-11, IC 36-4-3-13, IC 36-4-3-16, IC 36-4-3-19, and IC 36-4-3-22 - Adds IC 36-4-3-3.5- Allows a city which owns an electric utility to change electric service boundaries if the city has established a definite policy to furnish electric service to the territory to be annexed within a period of 3 or 4 years regardless of the topography, patterns of land utilization and population density similar to the territory to be annexed. Requires an annexation ordinance to contain a description of the boundaries of the territory to be annexed including any public highway or right-of-way, the approximate number of acres in the territory, any terms and conditions contained in an equitable annexation ordinance under IC 36-4-3-8, and any tax abatements. Makes several other changes to the annexation laws.

PUBLIC LAW 224-HOUSE ENROLLED ACT 1919-EFFECTIVE JULY 1, 1999

IDEM PERMITS - Amends and adds several articles in Title 13 - Makes several changes to the laws governing the Indiana Department of Environment Management.

## PUBLIC LAW 225-HOUSE ENROLLED ACT 1920-EFFECTIVE JULY 1, 1999

DRIVER'S LICENSES - Amends IC 9-14-3-5, IC 9-24-11-3 and IC 9-30-3-12 - Adds IC 9-18-25-1.8 - Permits individuals holding probationary licenses to receive an operator's license, chauffeur's license, public passenger chauffeur's license, or a commercial driver's license when the individual is 18 years of age. Changes the requirements for attending defensive driving school for persons under 18 years of age.

## PUBLIC LAW 227-HOUSE ENROLLED ACT 1985-EFFECTIVE JULY 1, 1999

INDUSTRIAL DEVELOPMENT PROJECTS - Amends and adds to several chapters of IC 4-4 - Adds high technology infrastructure and high growth companies with high skilled jobs to those projects eligible for the industrial development guarantee fund.

ENERGY COST SAVINGS CONTRACTS - Amends IC 36-1-12.5-1.5 - Adds libraries to the list of governmental units allowed to participate in energy cost savings contracts.

## PUBLIC LAW 228-HOUSE ENROLLED ACT 1986-EFFECTIVE JULY 1, 1999

PERF BENEFITS - Adds several sections to IC 5-10.2-5 - Provides cost of living increases to members of PERF or their survivors or beneficiaries who were retired or disabled before July 2, 1995. Provides other increases in benefits to members who have previously retired.

## PUBLIC LAW 235-HOUSE ENROLLED ACT 2085-EFFECTIVE JULY 1, 1999

WORKER'S COMPENSATION - Amends and adds to IC 22-3 - Provides limited worker's compensation coverage to unpaid student worker's participating in federal school to work program. Requires employers, insurance companies, and self-insures to report injuries to the workers compensation board using electronic data exchange (or an approved alternative by June 30, 2000.) Makes other changes to the worker's compensation laws.

UNEMPLOYMENT COMPENSATION - Amends and adds to IC 22-4 - Makes several changes to the unemployment compensation laws.

## PUBLIC LAW 237-SENATE ENROLLED ACT 6-EFFECTIVE JULY 1, 1999

HAZARDOUS WASTE GRANTS - Amends IC 3-11-12, IC 13-20-20, and IC 13-25-4 - Adds household hazardous waste and small quantity generator waste collection, recycling or disposal projects under IC 13-20-20 to the types of grants which IDEM can give through the State solid waste management fund.

## PUBLIC LAW 241-SENATE ENROLLED ACT 32-EFFECTIVE JULY 1, 1999

REGISTERED SURVEYORS - Amends IC 13-18-3-12 and IC 36-5-1-3 - Allows a registered surveyor to prepare plans for sewer extensions. Requires a registered surveyor to certify surveys showing boundaries of an area sought by a town to be incorporated.

## PUBLIC LAW 248-SENATE ENROLLED ACT 167-EFFECTIVE JULY 1, 1999

ANNEXATION - Amends IC 36-4-3 - Adds IC 36-4-3-2.2 - Extends the remonstrance period from 60 to 90 days. Provides that if a city or town attempts unsuccessfully to annex territory, the city or town may not make further attempts to annex the territory for four years. Makes several other significant changes to the laws governing annexation.

## PUBLIC LAW 252-SENATE ENROLLED ACT 206-EFFECTIVE JULY 1, 1999

LOCATION OF STATE AGENCIES IN DOWNTOWN AREAS - Adds IC 4-13-1.1  
Provides that the State will establish a policy to encourage state agencies to locate leased and state constructed facilities in downtown areas.

## PUBLIC LAW 254-SENATE ENROLLED ACT 274-EFFECTIVE MAY 13, 1999

RESIDENCY REQUIREMENTS-CITY AND TOWN COURT JUDGES - Amends IC 3-8-1-1, IC 3-8-1-1.5 and IC 3-8-1-28.5 - Adds IC 3-8-1-29.5 - Requires candidates for city or town court judge to be registered to vote in the county where the municipality is located not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.

## PUBLIC LAW 261-SENATE ENROLLED ACT 397-EFFECTIVE JULY 1, 1999

ENVIRONMENTAL RULES - Amends IC 13-14-1 and IC 13-27-7-2 - Provides that a statement of the department of environmental management does not take effect until 30 days after the statement has been received by other State environmental agencies.

## PUBLIC LAW 266-SENATE ENROLLED ACT 525-EFFECTIVE JULY 1, 1999

OPERATING A VEHICLE WHILE INTOXICATED - Amends IC 9-24-6-8 and IC 9-30-5 Requires a court to order a person convicted of operating a vehicle with at least fifteen-hundredths percent (0.15%) of alcohol by weight in grams to:

- (1) be imprisoned for at least five (5) days; or order
- (2) the person to perform at least thirty (30) days of community service; and order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse; if the person has one (1) previous conviction of operating while intoxicated.

## PUBLIC LAW 273-HOUSE ENROLLED ACT 1001-EFFECTIVE JULY 1, 1999

STATE BUDGET BILL - Amends various sections of law. Makes several appropriations for local governments.

PUBLIC PURCHASES CONTRACTS-RENEWAL

Subject to funds being appropriated and available under IC 5-22-17-5 and with the agreement of the contractor and the purchasing agency, a contract may be renewed any number of times. However, the term of the new contract may not be longer than the term of the original contract. (IC 5-22-17-4)

When the fiscal body of the governmental body makes a determination that funds are not appropriated or otherwise available to support continuation of performance of a contract, the contract is considered canceled. (IC 5-22-17-5)

Effective July 1, 1999, a contract that contains a provision for escalation of the price of the contract may be renewed if the escalation is computed using:

- (1) a commonly accepted index in the contract; or
- (2) a formula set forth in the contract.

### MONEY MARKET MUTUAL FUNDS

Cities and towns may invest in money market mutual funds that are in the form of securities of or interest in an open end, no load, management type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940.

Investments in money market mutual funds may not exceed fifty (50%) of the funds held by the officer and available for investment.

The investments shall be made through depositories designated by the state board of finance as depositories for state deposits under IC 5-13-9.5.

The portfolio of an investment company or investment trust must be limited to the following:

- (1) Direct obligations of the United States
- (2) Obligations issued by any of the following
  - (A) A federal agency
  - (B) A federal instrumentality
  - (C) A federal government sponsored enterprise
- (3) Repurchase agreements fully collateralized by obligation described in (1) or (2)

The form of securities of or interests in an investment company or investment trust must be rated as one (1) of the following:

- (1) AAAm, or its equivalent, by Standard and Poor's Corporation or its successor.
- (2) Aaa, or its equivalent, by Moody's Investors Service, Inc. or its successor.

The form of securities in an investment company or investment trust is considered to have stated final maturity of one (1) day.

The state board of accounts may rely on transaction confirmations evidencing ownership of the form of securities of or interests in an investment company or investment trust. (IC 5-13-9-2.5)

IC 5-13-9-2.4 requires the fiscal officer of each city and town to annually obtain approval of the city or town fiscal body before making investments in money market mutual funds.

### TOWN EMPLOYEES

IC 36-5-2-13 requires the town executive to have the approval of a majority of the town council before the executive may discharge, reduce in grade under IC 36-8-3-4, or remove a town employee.

IC 36-5-7-6 requires the town legislative body to fix the number of deputy town marshals by ordinance.

### SALARY ORDINANCES - 3RD CLASS CITIES

Public Law 35, Acts of 1999, changed the last date when salaries are to be set for third class city appointive officers and employees, police officers, and firefighters from August 1 to August 19 of each year before the ensuing budget year.

### DEPOSITORIES

Depositories used by cities and towns must be approved as depositories for State funds.  
[IC 5-13-6-1(d)]

### CHANGE IN CITY STATUS

A third class city remains a third class city even though the city attains a population of 35,000 unless the city adopts an ordinance to adopt second class city status. (IC 36-4-1-1.1)

The powers, duties, functions and office of the clerk-treasurer shall remain unchanged until the expiration of the term of the clerk-treasurer, despite a change in city classification for any reason. (IC 36-4-1-8)

### COPY FEES

A certification, copy, or facsimile transmission fee set by ordinance may not exceed the actual cost of certifying, copying or facsimile transmission of the document. Actual cost does not include labor costs or overhead cost. (IC 5-14-3-8)

### MUNICIPALLY OWNED UTILITIES - SALE PROCEEDS

IC 8-1.5-2-3 states in part: "Subject to restrictions imposed by a bond ordinance, resolution, indenture, contract under IC 8-1-2.2, or similar instrument binding upon it, a municipality may sell or otherwise dispose of any of its municipally owned utilities under this chapter."

IC 8-1.5-2-4 through IC 8-1.5-2-6 sets out conditions for sale of "nonsurplus" municipally owned utility property. IC 8-1.5-2-6(d) states: "The proceeds of any sale under this chapter shall be paid into the treasury of the municipality making the sale and become part of the general fund."

### TOWN OFFICIAL'S DUTIES

A number of inquiries have been made as to what authority or power does a Town Council have and what powers and duties does a Town Clerk-Treasurer have. The following is a listing of some of the applicable statutes. They do not include IC 36-1-3, the Home Rule provisions.

IC 36-5-2-8	Town Clerk-Treasurer as clerk; ex-officio member for casting tie breaking vote
IC 36-5-2-9	Powers of legislative body
IC 36-5-2-10.2	Recording of adopted ordinance; presumptive evidence
IC 36-5-2-11 and IC 36-5-2-12	Bonds, issuance; purpose; payments; procedures; loans; requirements
IC 36-5-3-2	Compensation for officers and employees
IC 36-5-3-3	Formulation of budget estimate



TOWN OFFICIAL'S DUTIES (Continued)

IC 36-5-3-4	Report of budget estimates; ordinances fixing tax rate and appropriations
IC 36-5-4	Miscellaneous town fiscal and administrative provisions
IC 36-5-6	Town Clerk-Treasurer
IC 8-1.5-3	Municipally owned utilities

CITIES AND TOWNS - INSPECTION OF MOTOR VEHICLES

IC 9-17-2-12 requires a city or town police officer (defined in IC 9-13-2-127 to mean any regular member of a city or town police department or any town marshal or town marshal deputy) when inspecting a vehicle to make a record of the inspection upon the application form prepared by the Bureau of Motor Vehicles and shall verify the facts set out in said application.

IC 9-29-4-2 provides a fee may be charged by the law enforcement agency for the inspection if the following provisions are followed:

1. The fee must be established by ordinance adopted by the city or town.
2. The fee must not exceed five dollars (\$5).
3. The revenue from the inspection fee shall be deposited in the local law enforcement continuing education fund.

The State Board of Accounts suggests the following procedures be followed if the unit's governing body wishes to authorize the inspection fee:

1. The city or town council shall enact an ordinance providing for the imposition of an inspection fee of not greater than five dollars (\$5). It is further suggested the ordinance cite IC 9-29-4-2 as the authorizing and controlling statute.
2. The law enforcement officer shall issue a Receipt, General Form No. 352, for each fee collected.

CITIES AND TOWNS - INSPECTION OF MOTOR VEHICLES (Continued)

3. The fees shall be remitted to the city or town fiscal officer at least once each week.
4. The city or town fiscal officer shall issue an official receipt for the remittance specifying on such receipt the number of general receipts included. For instance General Receipts No. 1-4, four @ \$5.00, total \$20.00.
5. The city or town fiscal officer shall receipt the inspection fees into the local law enforcement continuing education fund.

CONSOLIDATION OF POLICE FUNDS

Public Law 48, Acts of 1993, required all handgun license, vehicle inspection, accident report, and law enforcement continuing education fees to be receipted to the local law enforcement continuing education fund. The intent of such legislation was to eventually eliminate the firearms training, accident report and vehicle inspection funds. If your city or town has any of these three funds, please make the necessary arrangements with the police chief or town marshal by December 31, 1999, to spend such monies in these funds.

The City and Town Annual Reports (CTAR-1 and CTAR-2) for 1999 will not contain the firearms training, accident report or vehicle inspection funds.